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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,472	10/07/2003	Anthony C. Fascenda	62922.2	6665

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WASHINGTON, DC 20006-1109

EXAMINER
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CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/679,472

Applicant(s)

FASCENDA, ANTHONY C.

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-12, and 15-23 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10, and 15-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wasik et al. U.S. Pub. No. 20020141385 (hereinafter Wasik).
4. As per claim 1, Wasik discloses a method for managing network access of a device, which is capable of communicating with one or more networks, comprising the steps of: storing a network access parameter in a secure token local to and removably attachable to said device (Wasik: [0034]-[0035] and [0037]: the script provides access control function and the PCMCIA card), and said token comprising a processor configured to execute an application, said application configured to determine if said network access parameter has been met or exceeded (Wasik: [0046]: the access control script may be stored within memory of a PCMCIA wireless network card; [0046]: script...ESSIDs, dates, passwords, cryptokeys).

Art Unit: 2131

5. As per claim 2, Wasik discloses the method of claim 1. Wasik further discloses wherein said network access parameter is selected from the group consisting of: maximum number of connections to said network, time of day, period of time, day in week, date, range of dates, maximum period of time spent connected to said network, device address, subnet ID, and LAN ID (Wasik: [0033]: the ID).

6. As per claim 3, Wasik discloses the method of claim 1. Wasik further discloses the method comprising the step of storing one or more additional network access parameters in said secure token (Wasik: [0037]: configure the device).

7. As per claim 4, Wasik discloses the method of claim 3. Wasik further discloses the method comprising the steps of: determining if said one or more additional access parameters have been met or exceeded and denying access to said network if any of said network access parameters have been met or exceeded (Wasik: [0072]-[0073]).

8. As per claim 5, Wasik discloses the method of claim 3. Wasik further discloses the method comprising the steps of: determining if said one or more additional access parameters have been met and restricting access to a portion of said network if any of said network access parameters have been met or exceeded (Wasik: [0072]-[0073]: discontinue service).

9. As per claim 6, Wasik discloses the method of claim 5. Wasik further discloses wherein said portion of said network includes a server and said method further comprising the steps of:

Art Unit: 2131

authorizing additional usage of said network at said server and modifying said network access parameter (Wasik: [0035]: reactivate).

10. As per claim 7, Wasik discloses the method of claim 6. Wasik further discloses wherein said step of authorizing comprises the step of receiving payment for said additional usage of said network (Wasik: [0035] and [0072]-[0073]).

11. As per claim 8, Wasik discloses the method of claim 3. Wasik further discloses the method comprising the step of determining if said one or more additional access parameters has been met and allowing access to said network if all of said network access parameters has not been met (Wasik: [0034]).

12. As per claim 10, Wasik discloses the method of claim 1. Wasik further discloses wherein said network is an 802.11 network (Wasik: [0023]).

13. As per claim 12, Wasik discloses the method of claim 10. Wasik further discloses wherein current time is received from an access point on said 802.11 network (Wasik: [0034]).

14. As per claim 15, Wasik discloses the method of claim 1. Wasik further discloses wherein said secure token is unique to said device (Wasik: [0034]).

Art Unit: 2131

15. As per claim 16, Wasik discloses the method of claim 1. Wasik further discloses wherein said secure token comprises authentication information for authenticating said device with said network (Wasik: [0036]).

16. As per claim 17, Wasik discloses the method of claim 1. Wasik further discloses wherein said network access parameter is pre-stored within said secure token (Wasik: [0047]).

17. As per claim 18-23, claims 18-23 encompass the same scope as claims 1-8, 10, and 12-17. Therefore, claims 18-23 are rejected based on the same reason set forth above in rejecting claims 1-8, 10, and 12-17.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasik in view of Hsu et al. U.S. Pub. No. 20040176024 (hereinafter Hsu).

20. As per claim 9, Wasik discloses the method of claim 3. Wasik discloses wherein at least one of said network access parameters is associated with a first network (Wasik: [0034]).

However, Wasik does not explicitly disclose at least one of said remaining network access

Art Unit: 2131

parameters is associated with a second network. However, Hsu discloses storing multiple ESSIDs within a portable device and selectively use one of them to access wireless network (Hsu: [0082]: check for MS provider supported networks). It would have been obvious to one having ordinary skill in the art to store multiple network access parameters in the local token because multiple access points may require different access parameters. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Hsu within the system of Wasik because it allows a portable computer to connect to different access points based on a list of authorized networks.

21. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasik.

22. As per claim 11, Wasik discloses the method of claim 10. Wasik discloses wherein said secure token is implemented through a PCMCIA adapter (Wasik: [0021]). Wasik does not explicitly disclose the secure token is implemented through USB adapter. However, USB is well known in the art for communicating in computer. Therefore, it would have been obvious to one having ordinary skill in the art to use USB adapter to store network access parameter.

### ***Response to Arguments***

23. Applicant's arguments filed on 12/19/06 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant argues that the prior art of record does not disclose the token comprise a processor that is configured to execute an application and applicant

Art Unit: 2131

further argues the secure token is just a software to be installed on the user's computer and the decision-making relies on the computer itself. However, Wasik clearly discloses the software script can be executed to configure the device to enable wireless network access (Wasik: [0037]) and the script can be stored on memory of PCMCIA card (Wasik: [0046]) and the script includes network access parameters (Wasik: [0060]). Therefore, applicant's argument is respectfully traversed.

### *Conclusion*

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
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